

1 Edward D. Boyack  
Nevada Bar No. 005229  
2 Colli C. McKiever  
Nevada Bar No. 13724  
3 **BOYACK ORME & ANTHONY**  
7432 W. Sahara Avenue, Suite 101  
4 Las Vegas, Nevada 89117  
Telephone: (702) 562-3415  
5 Facsimile: (702) 562-3570  
[ted@boyacklaw.com](mailto:ted@boyacklaw.com)  
6 [colli@boyacklaw.com](mailto:colli@boyacklaw.com)  
Attorney for Defendants YACK CONSTRUCTION INC.  
7 And MERCHANTS BONDING COMPANY (MUTUAL)

8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA FOR THE  
USE AND BENEFIT OF AMERICAN  
11 GENERAL CONSTRUCTION, INC. and  
AMERICAN GENERAL CONSTRUCTION  
12 INC. dba AGC, INC.,

13 Plaintiffs,

14 vs.

15 YACK CONSTRUCTION INC., and  
MERCHANTS BONDING COMPANY  
16 (MUTUAL)

17 Defendants.

Case No. 2:17-cv-01994-MMD-CWH

**STIPULATION AND PROPOSED  
ORDER TO EXTEND TIME FOR  
PLAINTIFF AND DEFENDANTS  
TO OPPOSE SUMMARY  
JUDGMENT MOTIONS**

(FIRST REQUEST)

18 Pursuant to LR 6-1, Defendants, YACK CONSTRUCTION INC. ("YACK"), and  
19 MERCHANTS BONDING COMPANY (MUTUAL), and Plaintiff, UNITED STATES OF  
20 AMERICA FOR THE USE AND BENEFIT OF AMERICAN GENERAL CONSTRUCTION,  
21 INC. and AMERICAN GENERAL CONSTRUCTION INC. ("AGC") , by and through their  
22 undersigned counsel, respectfully submit this Stipulation to allow both the Plaintiffs and the  
23 Defendants fourteen (14) additional days file oppositions to the competing summary judgments  
filed on November 16<sup>th</sup>, 2018, and an additional seven (7) days for the parties to file any replies.

24 The Parties hereby stipulate and agree as follows:

- 25 1. Defendants, YACK and MERCHANTS BONDING COMPANY filed their  
26 Motion for Summary Judgment on November 16<sup>th</sup>, 2018. [ECF NO. 47]  
27 2. Plaintiffs, AGC, filed their Motion for Summary Judgment on November 16<sup>th</sup>,  
28

1 2018. [ECF NO. 48]

2 3. Currently both parties' Oppositions are due December 7<sup>th</sup>, 2018.

3 4. The parties stipulate and agree that AGC shall have up to, through, and  
4 including December 21<sup>st</sup>, 2018, to oppose YACK and MERCHANTS BONDING  
5 COMPANY's Summary Judgment motion [ECF No. 47].

6 5. The parties stipulate and agree that YACK and MERCHANTS BONDING  
7 COMPANY shall have up to, through, and including December 21<sup>st</sup>, 2018, to oppose  
8 AGC's Summary Judgment motion [ECF No. 48].

9 6. AGC, YACK and MERCHANTS BONDING COMPANY further agree  
10 and stipulate that all parties shall have up to, through, and including January 11<sup>th</sup>, 2019, to  
11 file any replies.

12 7. The additional time will allow the parties to properly address the issues  
13 raised in the motions in light of the intervening holidays during the briefing of the motions  
14 for summary judgment. No prejudice will result to any party from an extension of time.

15 8. This stipulation is made in good faith and not for the purpose of delay.

16  
17 DATED this 5<sup>th</sup> day of December, 2018.

18 BOYACK ORME & ANTHONY

19 By: /s/ Edward D. Boyack  
20 EDWARD D. BOYACK  
21 Nevada Bar No. 005229  
22 COLLI C. McKIEVER  
23 Nevada Bar No. 13724  
24 7432 W. Sahara Avenue, Suite 101  
25 Las Vegas, Nevada 89117  
26 *Attorneys for Defendants*

DATED this 5<sup>th</sup> day of December, 2018

GREENBERG TRAURIG LLP

By: /s/ Christopher R. Miltenberger  
MARK E. FERRARIO  
Nevada Bar No. 1625  
CHRISTOPHER R. MILTENBERGER  
Nevada Bar No. 10153  
WHITNEY WELCH-KIRMSE  
Nevada Bar No. 12129  
3773 Howard Hughes Pkwy., Ste. 400 North  
Las Vegas, NV 89169  
*Attorneys for Plaintiffs*

27  
28 IT IS SO ORDERED.  
DATED THIS 6th DAY OF DECEMBER, 2018.

  
UNITED STATES DISTRICT JUDGE